

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

THERESA FARRELL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-104-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social,)	
Security Administration)	
)	
Defendant.)	

ORDER

Plaintiff Theresa Farrell filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her applications for disability insurance benefits and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. While the magistrate judge rejected several of plaintiff's objections to the Administrative Law Judge's decision, he did conclude the Administrative Law Judge failed to address the opinion of Dr. Kara Rogers, Psy.D., a consultative examiner, and indicate the weight he gave it. That error, the magistrate judge found, required the reversal of the Commissioner's decision.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Gary M. Purcell's Report and

Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This decision does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 13th day of January, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE